

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
JEREMY HALGAT, et al.,
Defendants.

Case No.: 2:13-CR-239-JAD-PAL
**Order Granting Motion to Continue
Hearing [#77]**

The Government filed a Motion to Continue the trial date citing calendaring conflicts and Defendant McCall's immediate need for oncology treatment as the reasons the continuance is needed. Doc. 62. Defendant Halgat has opposed the motion and countermove to sever the trial. Docs. 67, 68. On December 17, 2013, the Court issued a minute order setting the hearing on these motions for December 23, 2013. The minute order specifically directs "Counsel for the Government and counsel for Defendant Anthony McCall [to] be prepared to provide the Court with specific details and evidentiary proof of Mr. McCall's oncological treatment and the reasons why it necessitates a continuance including but not limited to the frequency and duration of treatment, his daily limitations during treatment, and a reasonable estimate of the date on which Mr. McCall will be ready for trial." Doc. 76.

On December 19, 2013, McCall moved to continue the hearing on the basis that he could not get an initial appointment with his oncologist until the afternoon of December 23,

1 2013, and thus will not know the scope or course of his treatment until after that
2 appointment. Doc. 77. These reasons are stated by affidavit of counsel. *Id.* Defendant
3 Halgat opposes McCall's request to continue the hearing, citing his Speedy Trial rights and
4 his belief that McCall has unreasonably delayed his oncological treatment. Doc. 79.

5 As Halgat correctly notes in his Opposition, the Court ordered the hearing on these
6 pending motions to obtain additional information necessary to fully and fairly evaluate the
7 merits of these motions and comply with Speedy Trial requirements and Ninth Circuit case
8 law. However, it appears from McCall's counsel's affidavit that the information the Court
9 specifically requested will not be available by the date and time of the currently scheduled
10 hearing. Accordingly, there is good cause to continue the hearing and the ends of justice
11 served by granting a brief continuance outweigh the best interest of the public and the
12 defendant in a speedy trial because the failure to grant said continuance would be likely to
13 result in a miscarriage of justice.

14 Accordingly, it is **ORDERED** that the Motion to Continue Hearing [#77] is
15 **GRANTED**; the hearing on the Motion to Continue and Motion to Sever [## 62, 67, 68] is
16 continued to **Monday, December 30, 2013, at 10:00 a.m.**

17 DATED: December 20, 2013.

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JENNIFER A. DORSEY
UNITED STATES DISTRICT JUDGE